

# PUBLIC REPORT ON THE OFFICER-INVOLVED DEATH OF TODD ARGOW

CPRC No. 05-113 RPD Case No. P3-05-318-310



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#### INTRODUCTION

The Community Police Review Commission ("Commission") is charged with promoting the "effective, efficient, trustworthy and just law enforcement in the City of Riverside, and to bring to the attention of the City its findings and recommendations in regard to law enforcement policies and practices." Since its inception in April 2000, one of the ways the Commission has fulfilled this charge is by releasing its investigative findings in the form of a Public Report to the City.

#### **BACKGROUND**

In the past, the contents of the Commission's reports to the public regarding officer-involved deaths were very limited in scope and detail. This occurred because the Commission's investigation included the review of information generated by both the Riverside Police Department's ("RPD") criminal investigators (Officer-Involved Shooting Team or "OIS Team") and administrative investigators (Internal Affairs or "IA"). Because of state personnel laws, the information disclosed to the Commission by the RPD's Internal Affairs Unit was deemed confidential personnel information. Consequently, it was determined that information could not be disclosed to the public if the Commission had reviewed the Internal Affairs report prior to issuing its public report, even if that information was also contained in the criminal casebook.

In an effort to improve the Commission's transparency and increase its ability to publicly disclose and discuss the information that it has learned, the Commission decided in the spring of 2003 to revise the sources of information it would use to generate its public report. At that time, the Commission decided that, from then on, it would base its public report on information generated by RPD's Shooting Team, the Commission's own investigator, the public, and other public sources of information.

The present document represents the Commission's public report on the Todd Argow Officer-Involved Death. The report opens with a summary of the events that took place on November 14, 2005 on Old Mill Road in Riverside, California. Following the summary is a tactical analysis of the shooting followed by interviews of the witnesses associated with this case. The report concludes with the Commission's final comments regarding this case. Various drawings and photos have been included to assist the reader in gaining a better understanding of the circumstances surrounding this incident.

# OFFICER INVOLVED SHOOTING SUMMARY REPORT / TACTICAL ANALYSIS BY GURNEY H. WARNBERG, BAKER STREET GROUP

May 15, 2006

<u>Deceased:</u> Todd W. Argow

Officer: Terry Ellefson

**Date / Time of Incident:** November 14, 2005 – 6:51 PM

**Location:** 5222 Old Mill Road

Riverside, CA 92501

#### REPORTED VERSION OF EVENTS: POLICE AND MEDIA SOURCES

On November 14, 2005, at approximately 6:50 PM, the Riverside Police Communications Center received a report of a possible suicidal subject who was armed with a firearm. The subject was identified as Todd Webster Argow, 53, of Riverside. Argow was at a private residence at 5222 Old Mill Road. Several officers responded to the call and staged in a nearby parking lot. The reporting party (Ms. Bowsher) had stated she was a roommate of Argow's and that he had brandished a firearm at her during a disagreement. She reported supplemental information of his threat to go "to the garage and get gas." She interpreted this as meaning he planned to "burn things up." She left the house and called the police. When the officers entered the neighborhood, they began a tactical operation to surround the house and call the suspect out. During the operation, Argow could be seen through the windows of the house. He was armed with a firearm and eventually exited the front door of the house while still armed. Officer Terry Ellefson<sup>1</sup> was in position to immediately see him walk out. Ellefson ordered Argow to drop his weapon. Argow refused, raised the weapon to his shoulder, and pointed it in the direction of the officer. Ellefson fired several rounds at the suspect, who was struck in the upper body by at least one bullet. Argow fell to the ground and was taken into custody moments later. He sustained very serious injuries and was transported to Riverside Community Hospital for emergency medical treatment. The shotgun held by Argow at the front door was found to be unloaded. A loaded and cocked semi-automatic handgun was hidden underneath the couch in the living room. Two additional rifles were found in the den closet.

Argow had been living in his mother's Riverside home with his girlfriend. He recently told neighbors that no one wanted to hire him or cared about him. He appeared burdened, and told his neighbor Larrina Salva that "he wanted to die."

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CPRC No. 05-113

<sup>&</sup>lt;sup>1</sup> Officer Ellefson has been involved in another fatal shooting on April 3, 2006 on University Avenue in Riverside.

#### **TODD WEBSTER ARGOW**

Todd Argow was 53 years of age, 6'3" tall, had brown hair, and hazel eyes. He was single but had lived with his girlfriend, Becky Lea Bowsher, in his mother's home at 5222 Old Mill Road following his mother's death in 2003. Argow had grown up in this residence while raised by his mother. He had attended elementary, middle, and high schools in area.

Argow had been unemployed since moving to Riverside, but had previously held government positions as the City Manager for various working-class, midsize cities in the Los Angeles County area. Those cities included South Gate, Hawthorn, and Irwindale. His last known position was as a governmental-affairs consultant in the General Services Administration with the City of Los Angeles.

Argow was active in a number of professional organizations related to public administration. He was a past president of the American Society for Public Administration.

Argow had no previous criminal record. His California driver's license was suspended December 7, 2004 following a physician-reported incident of epileptic seizure. The driver's license suspension was in effect on the day of the shooting, November 14, 2005.

#### **CRIME SCENE INVESTIGATION**

The crime scene investigation at 5222 Old Mill Road was conducted by Detective David Smith<sup>2</sup>. Smith's report provides a scene narrative, scene description, lighting conditions, description of front porch area, description of computer room, kitchen living room, storage bedroom, master bedroom, and garage. Smith also provided a description of evidence located in the front of 5221 Old Mill Road <sup>3</sup>.

David Smith reports finding a two-gallon gas can on the truck of the Monte Carlo parked in the driveway of 5222 Old Mill Road. The gas can contained a small amount of liquid. A 12-gauge shotgun was found lying on the ground, half in and out of the front door. An unloaded .22 bolt-action rifle was found leaning up inside the open closet, which is very near the doorway to the front door area. A gray Verizon flip phone was on the floor just inside the kitchen doorway. The phone was open and on. In the kitchen, an empty 1.75 Liter bottle of vodka was on the floor, and another ¼ full bottle of vodka was on top of the refrigerator. A loaded, black with wood grips, .45 caliber, semi-auto handgun was found under a couch in the living room. The hammer was locked back and the safety was off. There were two 32 oz size cups with what appeared to be orange juice in the living room. In the master bedroom was a loaded .45 caliber, semi-auto handgun magazine and a box of .22 caliber ammunition in a nightstand on the left side of the bed and a box of 12 gauge shotgun ammunition in the nightstand on the right side of the bed.

<sup>3</sup> 5221 Old Mill Rd. is the residence of Donald and Barbara Salva directly across the street and the location of the firing position for Officer Ellefson.

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<sup>&</sup>lt;sup>2</sup> Detective David Smith #444 conducted the crime scene investigation following the incident. His complete report is filed under tab #43 in the RPD case book.

#### OFFICER TERRY ELLEFSON<sup>4</sup>

Officer Ellefson attended the San Bernardino County Sheriff's Department Basic Academy's 118<sup>th</sup> session. Officer Ellefson is currently employed as a police officer for the Riverside Police Department and has been so employed for the past three (3) years and three (3) as of the date of the shooting.

Officer Ellefson was interviewed by Detective J. Greenstein<sup>5</sup> in the early morning hours on November 15, 2005. Detective Greenstein was assisted in the interview by Detective Shumway. Present during the interview were Attorney M. Lackie representing Ellefson, Deputy District Attorney Hestrin, and District Attorney Investigator Tesone.

The interview was digitally recorded and a summary report by Detective Greenstein is part of the transcribed interview under Tab #36 in the RPD case book.

Officer Ellefson stated he had limited cover from his position. There was a small pick-up truck parked at the curb in front of his position that would offer some cover, but he was not certain about the penetrating power of Argow's rifle. He was able to use the darkness as a form of concealment as he moved from position to position to maintain a view of the front security door and kitchen window of the suspect's house.

Officer Ellefson was briefly distracted while briefing Officer Carroll. When he returned to his position, he saw the front door of the subject residence open and determined that that Argow was standing in the doorway. Officer Ellefson illuminated Argow with the rifle's flashlight. Argow held the weapon in front of him, in a "low ready" position with the barrel pointed slightly downward.

Officer Ellefson yelled for Argow to drop the weapon twice. Argow failed to drop the weapon and instead raised his weapon pointing it toward Officer Ellefson.

Officer Ellefson, fearing for his and other officers' lives, estimated that he fired six (6) rounds from his rifle. Argow maintained control of his weapon and fell backwards and to his left.

#### OFFICER NICHOLAS VASQUEZ

Officer Vasquez was interviewed by Detective Sanfilippo on 11-15-2005 at 0030 hours. The interview was digitally recorded and a summary report prepared under Tab #39 in the RPD case book.

Officer Vasquez said that he met with Sgt. Jackson and other responding officers at the Bakers parking lot near the intersection of Jurupa Avenue and Grand Avenue prior to responding to the location on Old Mill Road. A plan was prepared on how to approach and handle this call. He was assigned to "Less Lethal" as part of the team.

Officer Vasquez said that he obtained and maintained a position in the front yard of the residence at 5221 Old Mill Road directly across the street from 5222 Old Mill Road. Officer Vasquez stated his position in the front yard was next to a large oak tree with Officer Mercadefe.

<sup>&</sup>lt;sup>4</sup> Only a summary of significant information given by the witness is listed in this document. A complete interview report of each witness is in their "Report of Interview" and their recorded interview, if made.

<sup>&</sup>lt;sup>5</sup> Detective Greenstein was assigned by Sergeant L. Phillips as the case agent to conduct this investigation.

Officer Vasquez said he could not see the front door from that location but was concentrating on the east side of the residence. Vasquez stated he heard Officer Ellefson yell to the suspect "drop the weapon" and then fire what he estimated as four (4) rounds from his rifle.

#### OFFICER JOSEPH FLORES

Officer Flores was interviewed by Detective Sanfilippo on November 15, 2005 at 0107 hours. The interview was digitally recorded and a summary report prepared under Tab #40 in the RPD case book.

Officer Flores was assigned by Sgt. Jackson as the emergency response team negotiator during the incident. He was assigned at the command post that had been established near the intersection of Mona Belle Court and Old Mill Road.

Officer Flores said he called the suspect on the telephone at 2005 hours. Officer Flores talked with Todd Argow for twenty minutes until Argow hung up. Todd Argow denied being "suicidal," but admitted to being "despondent." Argow denied having any guns and became very angry with Becky Lea Bowsher for alleging that he had guns. Argow also told Officer Flores that if the police didn't leave the area, he would come outside with a gun and "bad stuff would happen." Argow threatened to stab himself with a knife if the police did not leave. Officer Flores suspected Argow had been drinking because of his speech patterns. Argow did not want to come outside because it would be embarrassing and humiliating in front of his neighbors.

#### OFFICER TRINIDAD LOMELI

Officer Lomeli was interviewed by Detective Rowe on November 15, 2005 at 0330 hours. The interview was digitally recorded and a summary report prepared under Tab #41 in the RPD case book.

Officer Lomeli is a member of the SWAT Team with Officer Ellefson. The SWAT Team trains regularly for incidents involving subjects with guns and barricaded suspects.

Officer Lomeli was preempted to the incident at 5222 Old Mill Road from a previous call because of the seriousness of the incident. Lomeli met with Sgt. Jackson and other responding officers at the Bakers parking lot. They developed a plan to surround the residence and call the subject out.

Officer Lomeli contacted Becky Lea Bowsher prior to responding to the residence and obtained her statement.

Officer Lomeli said officers surrounded the Argow residence. Officer Lomeli positioned himself across the street on the northwest corner of the residence. Officer Lomeli stated that he could not see the front door from his position and did not see Argow exit the house. Officer Lomeli said he heard Officer Ellefson yell "Drop your weapon" three (3) times and then fire what he estimated to be four (4) or five (5) rifle shots.

#### OFFICER MICHAEL CARROLL

Officer Carroll was interviewed by Detective Cobb on November 15, 2005 at 0045 hours. The interview was digitally recorded and a summary report prepared under Tab #42 in the RPD case book.

Officer Carroll arrived at the scene at the command post on Mona Belle Court and Old Mill Road following a request for K-9 assistance.

Officer Carroll took up a position just to the left and behind officers who were stationed directly across from the primary residence. Officer Carroll had his police dog with him and was carrying a MP-5 Sniper Version weapon.

Officer Carroll said he could not see the front door of the residence from his position and did not see Argow exit the house. He said he was busy setting up his equipment when he heard what he estimated were three (3) gun shots and then someone saying that the suspect was down.

#### OFFICER DANIEL MERCADEFE

Officer Mercadefe was interviewed by Detective Cobb on November 15, 2005 at 0022 hours. The interview was digitally recorded and a summary report prepared under Tab #38 in the RPD case book.

Officer Mercadefe said he responded to the Bakers parking lot with Sgt. Jackson and other officers in order to make a plan to the suicide attempt at 5222 Old Mill Road. He was assigned by Sgt. Jackson as a member of the Emergency Response Team (E.R.T.).

Officer Mercadefe said he took a position across the street from the primary residence at 5221 Old Mill Road. He said that he had a visual of the kitchen window, but could not see the front door. He heard Officer Ellefson yell that the front door was opening or a similar announcement. He heard Officer Ellefson yell, "Drop the weapon" twice and then approximately three (3) or four (4) shots in quick succession.

#### INTERVIEWS BY CPRC INVESTIGATOR

#### **BECKY LEA BOWSHER, January 4, 2006**

Bowsher was Todd Argow's live-in girl friend and the person who called the Riverside Police Department on the night of November 14, 2005, reporting the incident that resulted in the shooting death of Argow by police personnel.

On the morning of November 14, 2005, Bowsher and Argow planned on traveling to a medical appointment for Bowsher at Kaiser Hospital in Riverside. They were preparing to leave at approximately 8:30 AM for their 9:00 AM appointment when Argow discovered someone had stolen his new pressure washer from the front of the residence the night before. Argow became upset over the theft, but did not report it to the police department.

Argow drove his vehicle and Bowsher was passenger. They were approaching the hospital and preparing to stop for a traffic signal when they were struck from the rear by another vehicle. Although, Argow was driving and the accident was not his fault, he asked Bowsher to tell the authorities that she was in fact driving. Argow did not have vehicle insurance and his driver's license had been revoked because of an epileptic seizure he suffered the previous year. Bowsher said she agreed to the deception in order to protect Argow.

After arriving home at approximately 9:30 AM, Argow was very depressed and worried. He had been depressed for several months after having his license suspended and partially blamed his inability of getting a job on the fact he could not drive. He had also been depressed about the speed and quality of their remodeling project.

Argow began drinking vodka and orange juice. Argow was an alcoholic and was attending meeting to help him with the alcoholism.

Bowsher left the residence around 1:00 PM. Bowsher returned home at approximately 1:30 PM and Argow was drunk. Argow and Bowsher began to argue. They discussed suicide. Argow, on at least one previous occasion, had talked about suicide by having the police shoot him.

Argow went from the front door area of the residence into the bedroom and returned with a handgun that he pointed at Bowsher.

Bowsher said it was between 5:30 PM and 6:00 PM when she went to her neighbors, Bret and Fiona Windust. Bowsher said she dialed 911 and talked to the operator.

Bowsher told the officers that Argow had at least two weapons in the house that included the handgun and a shotgun. Bowsher said she was uncertain if the guns were loaded; however, recalls seeing magazines and ammunition in the house.

#### DON SALVA, January 4, 2006

On November 11, 2005 during the evening hours, Don Salva was home with his wife Barbara, their son Michael Salva, their daughter-in-law, Larrina Salva, and Larrina's brother, Larry Batchelor. Sometime around 7:00 PM, Don Salva was working in his home office and Michael Salva entered the room and told him that the police had been called and were going over to Todd Argow's house across the street. Michael said that Todd had been drinking and had a fight with his girlfriend, Lea, and she had called the police.

Don Salva said he remained outside for only a short time and returned to the inside of the house. He shut off the porch light so the officers would not be "back lit" and returned to his office. Perhaps an hour or so later, he heard an officer yell, "put your weapon down, do it now." Following the command, almost instantly, there were between four and seven gun shots that sounded as though they came from a rifle. The noise from the shots was very loud. He could not tell the direction from where the shots were fired and did not observe the shooting.

#### MICHAEL CHRISTOPHER SALVA, January 4, 2006

Salva lives in the residence directly across the street of the Argow residence. The home belongs to Michael's parents, Don and Barbara Salva. At the time of the shooting, Michael's wife, Larrina Salva, was also living at the residence. He described his relationship with Todd Argow as one of neighbors and pretty good friends.

Salva arrived home at approximately 4:00 PM on the afternoon of November 14, 2005. Salva said he parked his pick up truck on the street in front of his house, facing north, directly across the street from Todd Argow's home. He said it was customary for him to leave his truck on the street in that position. Salva saw Todd Argow in his front yard walking about and described his actions as "moping around." He said they acknowledged one another by waiving, but did not speak at that time.

Salva received a telephone call from his neighbor, Bret Windust, who told him that Lea had called the police from his house about Todd. Salva was uncertain of the time he received the telephone call from Bret; however, recalled it was "a long time" after he had arrived home and it was dark outside. There had been an argument and Todd had pointed a gun at Lea's head and was threatening her. Salva said if the things Lea said were indeed true, it would have been completely out of character for Todd to act like that.

Salva said he called Todd on the telephone after talking with Bret. Todd answered the telephone and said he had been sleeping. Salva said he noticed a slight "slur" in his speech, but could not contribute his speech to either alcohol or having just awakened. Salva said he told Todd that Lea had called the police.

Salva said that he watched three police officers arriving and begin taking up positions in his front yard. The officers were spaced out on either side of a large oak tree close to the driveway and further north in the yard behind the passenger side of his truck that was parked on the street. Each officer was concealed behind cover. Salva said his father turned out the light on the porch of the residence so there would not be "back light" illuminating the officers' positions. Salva said he was unable to see the positions of other officers on the street or elsewhere at this time.

The police officers were dressed in primary police uniforms and Salva did not observe special marking, such as SWAT, on their uniforms. They appeared to be in regular uniform with body armor over the top of their uniform shirts. Salva could not provide descriptions, names, or race of any officers at the scene. He made a mental note of weapons used by the officers inasmuch as it appeared that only one officer was armed with a "carbine," while the others had hand guns. He said the officer with the carbine was initially to the left of the oak tree close to the driveway and made several attempts to cross the street in order to take a position to the south of Todd Argow's residence; however, he would continuously return across the street into the Salva front yard. Salva recalled the officer attempting this maneuver at least three times.

Salva said he was ordered to go inside by one of the officers. Salva said as far as he knew, the police did not establish any communications with Todd.

Salva said his wife, Larrina (Salva), called Todd (Argow) using her cell phone. Salva said Larrina (Salva) was trying to calm down the situation. He said they were both attempting to get Todd (Argow) to come outside and calmly take care of the situation in order that no one would get injured. Todd (Argow) was very depressed by that time. Todd (Argow) continued to say that Lea (Bowsher) wanted him dead, so he was going to give her what she wanted. Salva said he walked out of the back yard through the gate to the south of the driveway behind the officers, at the same time attempting to tell the officers he was talking with Todd on the telephone. He said the officers would not listen to him and "yelled and waved at me to get back inside the house."

Salva said he returned to the back yard behind the gate and took the telephone from Larrina (Salva). During this conversation, Todd (Argow) stated, "I'm just going to grab my shotgun unloaded, go outside, wave it around, and let them shoot me."

Salva said he could hear Todd trying to open the screen door and then Todd said, "I'm on my way out there right now." Salva said he tried to make it from the side yard out to the front yard. He was going to inform the officers that the shotgun was not loaded, but at that instant he heard the command, "drop your weapon, do it now." Immediately following the command, he heard several gun shots. He estimated the shots between six and nine. He saw the muzzle flash from the officer with the carbine, who was positioned at that point north of the oak tree behind the passenger side of his truck. From his position, he could not see the front porch of Todd's residence. Salva did not witness Todd Argow coming out of the front door of his residence. He did not see how he handled the weapon before the shooting.

Salva told me he has installed a "video camera" set up on the north side of his residence facing the street to assist in security measures. This camera was operating during the entire incident and recorded several hours of video in VHS format. The camera is also equipped with an audio portion and recorded the audio of the incident as well. He said he reviewed the film and although visually it is not very clear due to the low light intensity of the incident, the muzzle flashes from the officer's weapon at the time of the shooting can be clearly seen. The officer's conversations can also be heard on the tape.

#### **KEITH ARGOW, January 5, 2006**

Keith Argow told me that although he did not have a particularly close relationship with his younger brother, they were "good friends." Keith Argow explained their parents had divorced and he and his brother were raised separately. Keith was raised by his father and Todd by his mother.

Keith said that the last time he and his brother spent time together was approximately two years ago when Todd traveled to the East Coast to attend a family wedding. Although they had not seen one another, they spoke often on the telephone and tried to stay in touch. They last talked on the telephone approximately 45 days prior to the shooting. Keith Argow said his brother was in good spirits during that telephone conversation. They talked about the remodeling project undertaken by Todd at his mother's home and that Todd was proud of the work he was accomplishing.

Keith Argow said that although he previously had some suspicion that Todd had a drinking problem, he only learned of his alcoholism the previous year. Keith Argow said Todd sought treatment and joined AA (Alcoholic's Anonymous) in 2004.

Keith Argow told me Todd had never discussed directly the possibility of committing suicide and had not transmitted feelings of depression prior to the incident. He said he also was not aware of any other family members that had committed suicide.

Keith Argow told me that he never discussed guns or weapons of any sort with his brother. He was unaware that Todd Argow owned any guns or that he may or may not have been familiar with guns of any kind.

#### LARRY JASON BATCHELOR, January 9, 2006

Batchelor told me he was visiting his sister and brother-in-law, Larrina and Michael Salva, at the Salva residence located at 5221 Old Mill Road, Riverside, CA on the evening of November 14, 2005.

Batchelor said he went outside the residence with other family members and observed Riverside Police officers in positions of cover in the front yard of the home. Batchelor said he remained outside during almost the entire time that the incident was occurring. He described his position as varying from time to time, but he primarily remained in the vicinity of the front porch of the residence slightly to the north of the driveway and by the garage door. From that position, he could clearly see the activities of the officers who were positioned in the front yard, but could not see across the street and onto the porch and front door of the Argow residence.

Batchelor said from his position he observed two officers in cover positions behind Michael Salva's pick up truck that was parked facing north in front of the residence on the street and directly across the street from Argow's home. From that position, the officers had the best view of the front door leading into Argow's home. There were at least three additional officers further south in the front yard using a large oak tree just north of the driveway for cover. Two officers were primarily in that position with one officer slightly north between the tree and the pickup truck. Batchelor said the lights outside the Salva home were turned off and the officers were well-covered and difficult to see. The outside lights of the Argow residence we turned on.

Batchelor said his sister talked on the telephone with Todd Argow and attempted to relay the information to the officers. However, they were all told repeatedly to go inside the residence and remain out of sight. Batchelor said for the most part those orders were ignored.

Batchelor said he then heard one of the officers from the vicinity of the pick up truck shout a command across the street to "Put your weapon down, do it now." Almost immediately, the same officer fired several rounds that Batchelor estimated at seven. Batchelor said he could not see Argow during that time and did not know if Argow had a gun that was pointed at any of the officers. Batchelor said he believed if Argow did indeed have a gun, the time between the command to drop the weapon and then the shooting would have occurred before the gun hit the ground. Batchelor said he did not believe the time allowed to Argow to comply with the command was sufficient.

Batchelor said his identity was recorded by one of the officers at the scene but he was never interviewed.

#### LARRINA MERIE SALVA, January 9, 2006

Larrina Salva arrived home on the afternoon of November 14, 2005 between 4:00 PM and 5:00 PM. She saw Todd (Argow) in the front yard of his residence watering the yard. They acknowledged each other by waiving and saying hello; however, did not talk extensively. Todd (Argow) appeared to be in a good mood and did not appear "stressed out." Todd (Argow) had been emotionally stressed out for over a month primarily because of money issues related to the remodeling and landscaping of his home.

Salva said that she and Michael (Salva) went out the back door of their residence and along the south side yard toward the front of the house in order to observe "what was going on." As they began to come through the gate and onto the driveway, she observed three police officers in the front yard with their guns pointed toward Todd (Argow's) house. She said two officers were in positions on either side of a large oak tree and one officer was behind Michael's (Salva) truck that was parked on the street facing north directly in front of their home. A bald black officer with a rifle was in a position to the left of the oak tree. A woman officer with black curly hair had a pistol and was in a position to the right of the tree. A Mexican officer with short dark hair had a pistol and was in a kneeling position next to the curb and behind the truck parked on the street. It was the Mexican officer that had the perfect position to see the front porch at Todd (Argow's) house. Each of the officers wore armor vest with regular uniform pants and no special marking.

Salva said that Michael (Salva) called first, using her cellular phone to call Todd (Argow's) cellular phone. Michael talked to Todd about the situation. Todd (Argow) had been asleep and the telephone call woke him up. After Michael (Salva) told Todd (Argow) that the police were surrounding his house, they hung up.

Salva then attempted to call Todd (Argow) at least five times. Each of her calls rolled over immediately to his voice mail and she was unable to make contact. Todd (Argow) did not have a house phone, so his cellular phone was all that was available. At approximately 8:30 PM, he answered the phone and told Salva that he had been talking with the police. She said he sounded very depressed and that the police had told him to come outside so they could shoot him. Todd (Argow) said he had been fighting with Lea (Bowsher) and that she wanted him dead. Todd (Argow) said he was going to give her what she wanted. He said he was tired of everything and that he just wanted to die. He began walking around inside the house while talking on the telephone and saying that he was going to "find his shotgun and go outside and raise it at them and just let them shoot him."

After several minutes, Salva gave the telephone to Michael (Salva) and as they were walking from the back of the residence along the south side toward the front of the house she heard Michael saying, "No Todd, don't do that." Salva said she was telling her brother, Larry (Batchelor), that Todd (Argow) was going to come out of the house with an unloaded shotgun. She had climbed up several rungs of a ladder next to the fence and was looking over the top when she heard the police command, "Put the weapon down, do it now." Salva said she began yelling at the officers that the gun was not loaded, but seconds later she watched as nine rounds were fired by the Mexican officer from behind the truck toward Todd's house. She said she counted every round.

Salva said she was shocked by the events. What ever had happened and the way Todd Argow was acting that day was totally out of character for him. Salva said he had never been violent around her or her daughter and never talked about guns or suicide before this incident.

Salva said, from her position behind the fence, she did not see Todd (Argow) or how he was holding the gun as he walked onto the porch. She also could not recall any of the officers' conversations during or following the incident. She said the officers, on several occasions, yelled at her and others to stay back and go inside the house. She complained the officers would not listen to their attempts to tell them they had talked with Todd on the telephone.

#### **JEANETTE ELLEN SMITH, January 9, 2006**

Jeanette Smith had known Todd Argow for nineteen years. They were a "couple" and had lived together for fourteen years. They never married and their separation was friendly. They remained close friends and talked on the telephone on a daily basis.

Smith told me she received a telephone call at her residence on the evening of November 14, 2005 around 6:30 PM from Todd Argow. Smith said that Argow sounded as though he was under the influence of alcohol. He was slurring his words and was not being very rational in his conversation. Smith said the conversation lasted approximately five minutes.

Smith said that Argow told her he had been in an argument with his girlfriend. Argow said he was feeling suicidal and Lea (Bowsher) had left the residence to call the police. Argow told Smith he had a gun and was pointing it at himself.

Smith said that Argow had only begun talking about suicide about thirty days before his death. Smith said Argow was feeling that life was "closing in on him." Smith believed those feelings began to take sharp focus after his driver's license was suspended because of epilepsy. Those feelings were exasperated with his inability to regain meaningful government work. Smith said she also believed that his relationship with Lea Bowsher was destructive in nature because they fought so much. Smith said she counseled Argow about leaving his relationship with Bowsher.

Smith said she did not believe that Argow was an alcoholic and he was not associated with AA (Alcoholic's Anonymous). Smith said that Argow would drink alcohol and that his "drink of choice" was vodka and orange juice. Smith said she had seen him on numerous occasions after having consumed alcohol in various amounts and he would normally get sleepy and go to sleep. Smith said she had never seen him drink to the point that he would pass out. Smith said that Argow was normally "mellow" and never "aggressive" when drinking.

Smith said she was aware of and had seen two guns that Argow owned. She described one as a "handgun" of unknown caliber and the other as a "shotgun" of unknown gage. Smith said she had also seen ammunition for both guns. Smith believed that Argow had a "box" of shells for each gun, but that the shotgun to her knowledge was always unloaded. Smith said that Argow was neither a "shooter" for practice nor a "hunter" for sport.

Smith said after talking with Argow for approximately five minutes that evening she told him to "put the gun away" and "go to bed." She did not feel a real urgency for the moment.

#### JOHN ARGOW, January 9, 2006

John Argow told me for several years he had been estranged from a relationship with his father Todd Argow. He said this estrangement was mostly of his making. However, in the later months of 2004 he made an attempt to reconnect with his father and it had been successful. He

said they talked on the telephone frequently. Argow estimated they would talk almost on a weekly basis. He said their relationship was very good and that his father was even planning on relocating to Idaho in order to be closer.

Argow said he last talked to his father about a week before the shooting. Argow said that although his father had no immediate job offerings in Idaho, he was a very "resourceful" person and had enjoyed some success in his life. Argow said his father was very upbeat and positive about his planned move to Idaho and gave no indication that he was depressed or melancholy.

Argow said he was surprised to hear of the incident and had difficulty reconciling in his mind what had occurred. Argow said he was unaware that his father owned any weapons. He said he would never describe him as a "gun person." Argow described his father as a very loving, caring and gentle person.

Argow told me he discussed the shooting with Michael Salva. Salva sent him a video tape of the incident as recorded from a "video camera" at the Salva residence. Argow said the resolution of the tape was poor and he turned the tape over to the Riverside Police Department at the request of Detective Greenstein.

#### **BRET AND FIONA WINDUST, January 14, 2006**

Mr. and Mrs. Windust were both at home on the evening on November 14, 2005. Bret Windust had just arrived home from work and was settling in to watch a football game. He had consumed one beer. Fiona Windust was preparing dinner in their kitchen.

Lea Bowsher rang the door bell sometime between 6:30 and 7:00 PM. She initially asked if she could use the telephone and then explained that Todd had been drinking, had a gun, and wanted to commit suicide. She may have also said that Todd threatened her with the gun. At some point, she asked Bret Windust what she should do.

Lea Bowsher appeared nervous and concerned, although her conversation was laced with laughter, giggles and jokes, which seemed to mitigate the gravity of the circumstance in the minds of Bret and Fiona Windust. Some of the comments made included Lea saying, "You know, we play these games with each other." Lea also said that she knows how to "push his buttons" to get him really "wired."

Bret Windust said he returned to watching the football game, assuming that Todd was drunk and the police would arrive and settle him down. He told Lea to call the police and let them handle it. Bret said he was not going to volunteer to go and talk with Todd. Fiona Windust said she returned to preparing their meal while Lea used their telephone to talk to the police. The telephone was located in the kitchen.

Although neither Bret nor Fiona Windust paid full attention to Lea's conversation with the police department, they recall her telling the police that Todd had a gun, perhaps a handgun, and wanted to commit suicide. Lea also told the police about a knife and that Todd had a can of gasoline and wanted to burn something.

Bret Windust said he called Mike Salva, who lives across the street from Todd, and told Mike that the police were on their way because Todd (Argow) was drunk and threatening

suicide. Bret Windust said he knew that Mike Salva was good friends with Todd and felt he should be aware of what was happening.

About an hour following the telephone call from Lea to the police department, Lea received a telephone call back from the police. The police asked her to come outside. Bret Windust walked Lea outside toward the street. Officers on the telephone asked Lea to have him walk over and see if Todd was outside his residence. Bret said he walked over to the edge of his yard and reported back that he could not see Todd. He said he reported seeing a gas can on the back of one of Todd's vehicles parked in the driveway. Bret Windust said he performed this activity for the police on two occasions. The only police officer he was able to see was a single officer standing in the street to the south of the residence toward the end of the block. He saw a police car on the north end of the street and he observed Mike Salva's truck parked in the street next to the curb in front of his residence and directly across the street from Todd's house.

Following the shooting, Bret Windust observed two officers leave his back yard area with a police dog.

Bret and Fiona Windust were inside their residence sitting in the living room area, with the doors and windows of the residence closed, when they heard a voice command from one of the officers ordering someone to "drop the gun." Bret said the voice did not come from the back yard, but he could not be certain where the officer was in relation to his house. Bret said he heard the command at least twice and then approximately seven to nine "pops." He said the "pops" were somewhat muffled and did not seem like gun shots. Fiona Windust said there were two very rapid shots immediately following the command to drop the gun. There was a pause and then, an instant later, six or seven additional shots in very rapid succession. Bret Windust said, in his opinion, there was probably sufficient time between the officers command and the shots to have allowed someone to respond and put down a gun. However, he said he did not see where Todd was standing or how he was holding the gun.

After hearing the shots, Bret and Fiona Windust said they moved toward the front door of the residence and heard one of the officers say, "He went back in the house." They were assuming the officer was talking about Todd (Argow). They recognized the sound of glass breaking and thought the officers had rushed the house. No other conversations between the officers could be recalled.

#### DAVID BAKER, April 5, 2006

On November 14, 2005, during the evening hours, David Baker was home alone when his neighbor Joe Scandura came to his front door telling him about the police incident involving one the neighbors. Scandura told Baker, "Some guy down the street is trying to take himself out." Baker and Scandura walked from Baker's home to the intersection of Mona Bell Court and Old Mill Road. Baker said he observed "cops" all over the street.

Baker said the police had established a "command post" on the cul-de-sac at Mona Bell Court and Old Mill Road. There were at least three and perhaps four Riverside Police cars parked with several officers standing on the street. Baker said he believed the officers were "SWAT" officers wearing black jump suits and helmets. Baker said the officers had a "white board" set up on the street and he observed Todd Argow's girlfriend sitting in the back seat of one of the police cars.

Baker said that he and Scandura remained in the area for a short time and observed a K-9 unit arrive at the command post. The officer and his dog left the command post and walked approximately three or four houses south of the intersection toward Todd Argow's residence. Baker said that it was extremely dark and he could not see where exactly the officer went, but about the time he would have arrived at the residence directly across the street from Argow's, he heard someone shout, "Put the gun down." Baker said he then saw several "muzzle flashes" and heard several gun shots from the house across the street from Argow's. Baker said, based upon his military training, he thought the gun fire may have come from an M-16, but could not be certain.

#### **OTHER INVESTIGATION**

Every residence in the 5200 block of Old Mill Road between Green Brier Drive and Mona Bell Court was canvassed for witnesses at least once. If residents were not home, business cards were left requesting contact at a toll-free telephone number. Each resident that was interviewed was asked if they saw anything, or if they knew of any other witnesses who may have.

A surveillance video camera from the Salva residence recorded a singular view of the street in front of the Salva residence during the incident. The recording included audio. A copy of the recording was provided by the Riverside Police Department and was reviewed by the CPRC investigator.

Attempts were made to identify and interview the construction workers who were working on the Argow residence on November 14, 2005. Becky Lea Bowsher promised, but ultimately refused, to provide contact information for those witnesses.

Attempts to verify the traffic accident story told by Becky Lea Bowsher through police, insurance, and towing records were unsuccessful. Becky Lea Bowsher refused to fully cooperate with this inquiry.

The video portion of the recording was of poor quality; however, it shows the muzzle flashes of the gun and the positioning of Officer Ellefson at the time of the shooting. The audio portion of the recording clearly recorded the verbal commands given by Officer Ellefson directed toward Todd Argow, as well as providing timing prospective between the commands and the shooting. The audio portion also clearly demonstrates that witnesses did not tell officers that Todd Argow was exiting the house with an empty shotgun until after the shooting had occurred and not before.

A complete review of the Riverside Police Department investigation was performed of all materials provided. Those materials included written reports, recorded interviews, recorded telephone contacts, photographs and diagrams.

#### **CPRC INVESTIGATOR ANALYSIS**

- RPD provided Channel 1 Radio Dispatch coverage for November 14, 2005 between the hours of 18:53 and 21:53. The original call for service was received at 18:48 from Becky Bowsher. Unit S272, Sgt Jackson, advises units to switch to a tactical frequency, suggesting that Sgt. Jackson received the initial dispatch, although Officer Lomeli was assigned primary responsibility.
- Sgt. Jackson began to assemble an Emergency Response Team (E.R.T.). The E.R.T. met in a parking lot a short distance from the location to discuss and prepare a strategic plan to handle the incident. Sgt. Jackson developed a plan designed to surround the house, establish contact, and talk the subject from the residence. Sgt. Jackson included Officer Flores, a trained negotiator. Officer Flores established a telephone contact with Todd Argow that lasted twenty (20) minutes, between 8:05 PM and 8:25 PM. Officer Flores only stopped talking with the subject after Argow became angry, agitated, and disconnected the call by hanging up. Officer Flores was waiting to attempt a reconnect when Argow emerged from the residence.
- Sgt. Jackson assigned Officer Lomeli the investigation during which time Lomeli interviewed Becky Lea Bowsher. Lomeli ran law enforcement database record inquiries and established that Todd Argow was the registered owner of several weapons, which corroborated information provided in his interview.
- Sgt. Jackson assigned Officer Vasquez, as part of the E.R.T., the duties of "less than lethal" force. Officer Vasquez was ultimately deployed to a cover position across the street from the Argow residence. Officer Vasquez was wearing his department-issued uniform with his badge, handgun, and duty gear which includes baton, pepper spray and handcuffs. It was never fully disclosed in the various reports and photographs of the officer if other "less than lethal" tools were at his disposal such as taser weapons, rubber bullets, or bean bag rounds. Nevertheless, Officer Vasquez did not have an opportunity as events unfolded to use any such type weapons.
- Lt. K.L. Raya arrived at the command post established by Sgt. Jackson at Mona Bell Court and Old Mill Road approximately 20 minutes after Sgt. Jackson. Lt. Raya was briefed on the operations plan and made some minor adjustments to reinforce the scene containment. He continued to evaluate and suggest ways to fine tune the operation as Argow emerged from the residence.
- Officer Ellefson was positioned over 101 feet away from the front door of the residence.
  The position was described as a "fluid" position from which he was required to shift his
  position in and out of cover from behind a pick-up truck into the open in order to maintain
  a close vigilance on the front door of the residence. Under the circumstances, it could
  not be concluded that Officer Ellefson was too close to the front door of the residence to
  create an unnecessary danger.
- All the witnesses recalled Officer Ellefson issuing loud, clear, and unmistakable verbal commands ordering Argow to "drop the weapon" and "do it now." It is also clear from the witness statements that Officer Ellefson did not identify himself as a police officer. This is further corroborated on the Salva video recording. It would, however, be reasonable to conclude, from the various telephone conversations with police and neighbors, that Argow was aware the individuals outside his home that evening were police officers.

- Todd Argow's level of alcohol intoxication could not be completely established during this investigation. The blood and tissue samples taken when he was admitted to Riverside Community Hospital were disposed of following his death and prior to the autopsy.
- No other witnesses, civilian or police, were in a position to observe the front door of the Argow residence as he emerged other than Officer Ellefson. There is certainly strong evidence that Argow emerged carrying a shotgun. There is no evidence supporting the conclusion that Officer Ellefson had been told that the shotgun was unloaded. In fact, the Salva video provides evidence to the contrary.
- There is strong evidence that Todd Argow decided to commit suicide by forcing police
  officers to shoot him during a perceived threat with an unloaded shotgun. He devised
  this plan and told various witnesses on the telephone in conversations just prior to the
  shooting.

#### **COMMISSION'S FINAL COMMENTS**

After careful consideration of the facts in this case as presented to this Commission by the CPRC investigator as well as details presented by the RPD investigation, this Commission believes that the actions of Officer Ellefson on November 14, 2005 were within the parameters as set forth in RPD Policy 4.30 (Use of Force Policy).

This Commission concurs with the CPRC's independent investigator in that "There is strong evidence that Todd Argow decided to commit suicide by forcing police officers to shoot him during a perceived threat with an unloaded shotgun. He devised this plan and told various witnesses on the telephone in conversations just prior to the shooting." The Commission has determined that based on the way Mr. Argow presented himself to the police, and specifically to Officer Ellefson, Mr. Argow intended to take his own life that night and that his actions were designed to elicit deadly force on the part of the police.

Also, it has come to the attention of the Commission that the Riverside Police Department has identified an area of deficiency in regard to how officer confront individuals with mental, physical, and emotional disabilities. The Commission is supportive of the RPD's efforts to implement a special educational training component to address this deficiency.

The information contained in this report represents an effort on the part of the Commission to publicly disclose the information that it has learned. It is hoped that this report will aid the public in separating facts from rumors or hearsay associated with this case. This report is to be considered public information and is intended to be made available to any interested party. This report is available at the CPRC Office at 3900 Main Street, 6<sup>th</sup> Floor City Hall and may also be found on line at <a href="https://www.riversideca.gov/cprc">www.riversideca.gov/cprc</a>.

#### <u>APPENDIX</u>

Section A: Interview Reports by Butch Warnberg, Baker Street Group

Section B: RPD Drawings

Section C: RPD Photos

Section D: Photos by Butch Warnberg, Baker Street Group



# TODD ARGOW OID CPRC No. 05-113 RPD Case No. P3-05-318-310

APPENDIX SECTION 1

Interview Reports
by
Butch Warnberg
Baker Street Group

# **Report of Interview**

Person Interviewed: Becky Lea Bowsher

Date of Interview: January 4, 2006

Recorded: Yes

Interview Topic: Shooting death of Todd Argow on November 14, 2005

Becky Lea Bowsher, hereafter referred to as "Bowsher" was advised of the identity of the interviewing investigator and the purpose of the interview. The interview was conducted in front of the commercial offices of Peak Technical Company 1131 W. 6<sup>th</sup> St., Ontario, CA. The interview was tape recorded with Bowsher's permission. This represents a summary report of that interview. The tape recording has been preserved and will be maintained by Baker Street Group prior to the submission to the Commission as evidence in this investigation.

Bowsher was Todd Argow's live-in girlfriend and the person who called the Riverside Police Department on the night of November 14, 2005, reporting the incident that resulted in the shooting death of Argow by police personnel. Bowsher told me the following information.

Bowsher and Argow met and began dating approximately five years ago. They had been living together in Argow's mother's home, 5222 Old Mill Road., Riverside, CA, following her death approximately two years ago. They had been involved in the remodeling of that residence for the last two years with the ultimate intention of selling the property. Argow was financing the remodeling project with money from savings and Bowsher was contributing with primarily groceries, labor, and other occasional expenses. Argow was unemployed and Bowsher was unemployed.

Bowsher described her five year relationship with Argow as romantic, uncomfortable, and laced with arguments and fights. They would typically argue over issues concerning comments made by Bowsher that were perceived out of context by Argow. In other words, Bowsher believed that Argow would "twist" her comments into perceptions that were not accurate. Bowsher said their future plans included marriage; however, no date had been agreed upon and rings had not been purchased.

On the morning of November 14, 2005, Bowsher and Argow planned on traveling to a medical appointment for Bowsher at Kaiser Hospital in Riverside. They were preparing to leave at approximately 8:30 AM for their 9:00 appointment, when Argow discovered someone had stolen his new pressure washer from the front of the residence the night before. Argow became upset over the theft, but did not report it to the police department. Instead, they continued to Bowsher's doctor appointment.

Argow drove his vehicle and Bowsher was passenger. Argow's car was a newer Honda hybrid. They were approaching the hospital and preparing to stop for a traffic signal when they were struck from the rear by another vehicle. Argow left his car and talked to the driver of the other vehicle. Both vehicles were in need of a tow truck; however, no injuries were going to be reported. The police department was notified and arrived within a short amount of time.

Although Argow was driving and the accident was not his fault, he asked Bowsher to tell the authorities that she was in fact driving. Argow did not have vehicle insurance and his driver's license had been revoked because of an epileptic seizure he suffered the previous year. Argow was frightened of the consequences from the accident if it was learned that he was driving without a license and no insurance. Bowsher said she agreed to the deception in order to protect Argow.

Because no injuries occurred, the police did not investigate the accident or prepare a report. Both drivers exchanged information and were allowed to leave the scene. Bowsher said she wrote the necessary information on a card provided by the other driver and she was never asked who was actually driving the car.

The tow truck driver transported Argow and Bowsher, along with their vehicle, back to their residence. Argow and Bowsher removed their personal belongings from the car and it was then transported to the tow yard.

After arriving home at approximately 9:30 AM, Argow was very depressed and worried. He had been depressed for several months after having his license suspended and partially blamed his inability of getting a job on the fact he could not drive. He had also been depressed about the speed and quality of the remodeling project. He complained of spending a lot of money, but the project moving so slowly. Argow was also an alcoholic and was attending meetings to help him with the alcoholism.

Argow had hired two part-time construction workers to assist in their remodeling efforts. Bowsher did not know their last names and only identified them as Mark and Josh. Bowsher said she would obtain telephone numbers and provide them to me in order for me to interview them.

Mark was working on the house when Argow and Bowsher arrived home from the accident. He was involved in setting tile in the bathroom and other miscellaneous jobs. Mark worked in the house during the morning and then left around the time that Josh arrived to do some of the plumbing work.

Bowsher left the residence around 1:00 PM in order to pick up her mother for a dental appointment. Josh was working in the house and Argow was drinking by that time. Argow was drinking Vodka and orange juice although Bowsher did not know how much he had consumed at that time.

Bowsher returned home at approximately 1:30 PM and Argow was drunk. Josh was still working in the house, but it was unclear when he left for the day. Nevertheless,

Argow was drunk and although in a "mellow" mood, he was depressed concerning the accident and having to lie about who was driving the car.

Argow, over time, had many conversations with Bowsher's sister-in-law, (Bernie) who was under going cancer treatment and experiencing personal problems in her marital relationship. On several occasions, Bernie discussed suicide with Argow and he attempted to counsel her about those suicidal thoughts.

Argow was depressed and the conversation between Bowsher and Argow, at one point, turned to discussing Bernie and her desire to commit suicide. Bowsher said that Argow "twisted" what she was saying about Bernie and construed it be directed at him.

Bowsher said Argow most likely misunderstood the comments because Argow himself had talked about committing suicide on several occasions. Argow, on at least one occasion, talked about having the police shoot him. Nevertheless, the conversation "set him off" and he became very agitated. Argow became agitated to the point that Bowsher moved from sitting on the couch with Argow to the other side of the living room.

Bowsher said she was alone with Argow at that time. Argow then got up from the couch and moved over by Bowsher and told her that he was considering doing something very unusual and spectacular with gasoline, "something that you would not expect." Argow then "sneezed" and Bowsher laughed at him because there was "snot" on his face and he responded angrily. Argow attempted to walk out of the front door of the house; however, the construction worker had replaced the door handles with new hardware and installed the handles upside down. Argow could not open the door.

Argow went from the front door area of the residence into the bedroom and returned with a handgun that he pointed at Bowsher. Argow told Bowsher, "Open the fucking door." Bowsher said she went to the front door; opened the door, and walked out of the house toward the neighbor's. Bowsher said she did not look back at Argow for fear he would point the gun at himself and threaten suicide.

Bowsher said this was not the first time he had pointed the gun at her. On one other occasion during an argument, he pointed the gun at her. Bowsher said she told him on that occasion, if he ever did that again, she would call the police.

Bowsher said it was between 5:30 and 6:00 PM when she went to her neighbors, Bret and Fiona Windust. She said initially, she just wanted to explain what had occurred and perhaps see what advice they would provide. Bowsher said they told her to call the police and she thought it best to try and get Argow some real help this time. Bowsher said she thought if Argow did not commit suicide before the police arrived, they would calm him down and she could arrange for some professional care.

Bowsher said she dialed 911 and talked to the operator, answering all their questions about the incident. When the police arrived, they called on the telephone and asked Bowsher to come around the corner and stay with the officers. Bowsher said

initially she was with a male officer in a police car, and eventually a female officer stayed with her.

Bowsher said the officers at the scene were not SWAT and she recalled one of the officers saying they were not going to call SWAT unless it was necessary.

Bowsher said one of the officers had a police dog and she thought that was a good idea because Argow liked dogs and it may have calmed him down. Bowsher speculated the officers could have shown him the dog and he would have been distracted because he would never shoot a dog and that would calm him down.

Bowsher said she was not asked to talk with Argow on the telephone during the incident.

Bowsher told the officers that Argow had at least two weapons in the house that included the handgun and a shotgun. Bowsher said she was uncertain if the guns were loaded; however, she recalls seeing magazines and ammunition in the house.

Bowsher said, from her position, she was unable to see the officers' locations or the shooting incident. She said she heard the gun shots, but was uncertain if they were fired by the officers or Argow. She later learned that the officers had shot Argow.

G. H. Warnberg Investigator Baker Street Group

# **Report of Interview**

Person Interviewed: Don Salva

Date of Interview: January 4, 2006

Recorded: No

Interview Topic: Shooting death of Todd Argow on November 14, 2005

Don Salva was advised of the identity of the interviewing investigator and the purpose of the interview. The interview was conducted in front of the residence of Mr. Salva at 5221 Old Mill Road, Riverside, CA 92501. Don and Barbara Salva own the property that is located directly across the street from the Argow residence. Don and Barbara Salva were home during the evening hours of November 14, 2005. Don Salva observed various activities as they related to the shooting death of Todd Argow. Barbara Argow did not witness any of the events. The interview was not tape recorded.

On November 14, 2005 during the evening hours, Don Salva was home with his wife Barbara, their son Michael Salva, their daughter-in-law Larrina Salva, and Larrina's brother, Larry Batchelor. Sometime around 7:00 PM, Don Salva was working in his home office and Michael Salva entered the room and told him that the police had been called and were going over to Todd Argow's house across the street. Michael said that Todd had been drinking and had a fight with his girlfriend, Lea, and she had called the police.

Don Salva said he walked outside from the front door of his residence and onto the driveway to observe the activity. He saw three Riverside police officers in his front yard positioned from the driveway north across the yard behind a large oak tree and into the ivy behind his son's pick up truck that was parked on the street. One officer was in the prone position next to the driveway with a rifle; a second officer was standing behind the oak tree with a handgun in his left hand that he kept raising and lowering; and a third officer, perhaps female, was in the ivy behind the truck. The officers were in uniform with armor vest and no special markings.

Don Salva said he remained outside for only a short time and returned to the inside of the house. He shut off the porch light so the officers would not be "back lit" and returned to his office. Perhaps an hour or so later he herd an officer yell, "Put your weapon down, do it now." Following the command, almost instantly, there were between four and seven gun shots that sounded as though they came from a rifle. The noise from the shots was very loud. He could not tell the direction from where the shots were fired and did not observe the shooting.

Don Salva said he again went outside following the shots and watched as the ambulance arrived and they removed Todd Argow from his house. He said he could tell from the blood that Todd had been hit by the gun fire.

Don Salva did not recall any conversations with the officers or other personnel present at the scene.

G. H. Warnberg Investigator Baker Street Group

# **Report of Interview**

Person Interviewed: Michael Christopher Salva

Date of Interview: January 4, 2006

Recorded: Yes

Interview Topic: Shooting death of Todd Argow on November 14, 2005

Michael Salva was advised of the identity of the interviewing investigator and the purpose of the interview. The interview was conducted in front of the residence of Mr. Salva at 5221 Old Mill Road, Riverside, CA 92501. The interview was tape recorded with Salva's permission. This represents a summary report of that interview. The tape recording has been preserved and will be maintained by Baker Street Group prior to the submission to the Commission as evidence in this investigation.

Michael Salva lives in the residence directly across the street of the Argow residence. The home belongs to Michael's parents, Don and Barbara Salva. At the time of the shooting, Michael's wife, Larrina Salva was also living at the residence. He described his relationship with Todd Argow as one of neighbors and pretty good friends.

Todd Argow had moved into his mother's residence, Dorothy Argow, following her death approximately two years ago. He was living with his girlfriend "Lea" and they were both working to restore the residence. They were involved in remodeling and fixing the landscaping in preparation of listing the property for sale. Michael Salva worked with Todd Argow on a number of home remodeling projects during the last two years. They developed a friendship over that time period that exceeded being good neighbors. They often talked to one another and Michael Salva could judge Todd Argow's moods and discuss various emotional issues that may have been bothering him.

Michael Salva arrived home at approximately 4:00 PM on the afternoon of November 14, 2005. Salva said he parked his pick up truck on the street in front of his house facing north, directly across the street from Todd Argow's home. He said it was customary for him to leave his truck on the street in that position. Salva saw Todd Argow in his front yard walking about and described his actions as "moping around." He said they acknowledged one another by waiving, but did not speak at that time.

Salva said that Todd had been "moping" for a couple of weeks and was "stressed" over the remodeling projects. Todd was experiencing some financial problems related to the remodeling project and he was also very concerned regarding complaints he had received from the City of Riverside regarding his landscaping project. Apparently, someone in the neighborhood had complained about several residents in

the area concerning their yards and Todd was one of them. Todd had spent several thousand dollars attempting to upgrade the yard, but was still having problems with the city and it was creating some real stress in his life. He was spending a lot of money on the work that he really could not afford.

Michael Salva received a telephone call from his neighbor, Bret Windust, who told him that Lea had called the police from his house about Todd. Salva was uncertain of the time he received the telephone call from Bret; however, recalled it was "a long time" after he had arrived home and it was dark outside. There had been an argument and Todd had pointed a gun at Lea's head and was threatening her. Lea had said that Todd became angry after attempting to open a door in the house and was unsuccessful. Carpenters had changed the hardware on the doors in the house that afternoon and had installed the locks upside down. There was an argument between Lea and Todd concerning the door and he became so upset that he grabbed a handgun, pointed it at her head, and told her to just open the "fucking" door. Lea left the house and went next door to ask Bret for help and use the telephone. Salva said if the things Lea said were indeed true, it would have been completely out of character for Todd to act like that.

Michael Salva said he called Todd on the telephone after talking with Bret. Todd answered the telephone and said he had been sleeping. Salva said he noticed a slight "slur" in his speech, but could not contribute his speech to either alcohol or having just awakened. Salva said he told Todd that Lea had called the police. His response to the fact the police were coming was "Oh my." Todd said in this conversation that Lea wanted him dead. Salva said he talked to Todd for two or three minutes and as he saw the first police officer arrive in his yard, he told Todd the officers had arrived and hung up.

Michael Salva said that he watched three police officers arriving and begin taking up positions in his front yard. The officers were spaced out on either side of a large oak tree close to the driveway and further north in the yard behind the passenger side of his truck that was parked on the street. Each officer was concealed behind cover. Michael Salva said his father turned out the light on the porch of the residence so there would not be "back light" illuminating the officers' positions. Salva said he was unable to see the positions of other officers on the street or elsewhere at this time. Neighbors said there were a couple of officers in the back yard of Bret's residence, but they were not visible.

The police officers were dressed in primary police uniforms and Salva did not observe special marking such as SWAT on their uniforms. They appeared to be in regular uniform with body armor over the top of their uniform shirts. Salva could not provide descriptions, names, or race of any officers at the scene. He made a mental note of weapons used by the officers inasmuch as it appeared that only one officer was armed with a "carbine," while the others had hand guns. He said the officer with the carbine was initially to the left of the oak tree close to the driveway and made several attempts to cross the street in order to take a position to the south of Todd Argow's residence. However, he would continuously return across the street into the Salva front yard. Salva recalled the officer attempting this maneuver at least three times.

Michael Salva said he was ordered to go inside by one of the officers. He said he could not hear any of the officers talking on their telephones to Todd and no one was yelling or talking on a megaphone. Salva said, as far as he knew, they did not establish any communications with Todd.

Salva said he remained inside for about 20 minutes. He later went outside the house and his wife, Larrina, called Todd using her cell phone. Larrina was talking on her cellular phone and Todd was talking on his home phone. Michael Salva said Larrina was trying to calm down the situation. He said they were both attempting to get Todd to come outside and calmly take care of the situation in order that no one would get injured.

Salva said he was listening on the telephone as Larrina talked to Todd. He said that Todd was very depressed by that time. Todd continued to say that Lea wanted him dead, so he was going to give her what she wanted. Larrina handed him the telephone and he continued talking with Todd for several minutes. He gave the telephone back to Larrina and walked out of the back yard through the gate to the south of the driveway behind the officers, at the same time attempting to tell the officers he was talking with Todd on the telephone. He said the officers would not listen to him and "yelled and waived at me to get back inside the house."

Salva said he returned to the back yard behind the gate and took the telephone from Larrina. During this conversation, Todd stated, "I'm just going to grab my shotgun unloaded, go outside, wave it around and let them shoot me."

Salva said he could hear Todd trying to open the screen door and then Todd said, "I 'm on my way out there right now." Salva said he tried to make it from the side yard out to the front yard. He was going to inform the officers that the shotgun was not loaded, but at that instant he heard the command, "drop your weapon, do it now." Immediately following the command, he heard several gun shots. He estimated the shots between six and nine. He saw the muzzle flash from the officer with the carbine who was positioned at that point north of the oak tree behind the passenger side of his truck. From his position, he could not see the front porch of Todd's residence. Salva did not witness Todd Argow coming out of the front door of his residence. He did not see how he handled the weapon before the shooting.

At the moment of the shooting, Larrina Salva was positioned on a ladder behind the fence and gate leading to the side yard on the south of the residence. Don Salva was standing on a pallet behind the fence and gate. Michael Salva was standing at the gate with gate slightly ajar. Michael Salva had a clear line of sight to the officer in the ivy behind the truck.

After the shooting, Michael Salva said he lost contact with Todd on the telephone. The police officers "stormed" the house, broke the front window, and went inside. Michael Salva said he watched as they placed Todd into an ambulance while providing chest compressions.

Michael Salva told me he has installed a "video camera" set up on the north side of his residence facing the street to assist in security measures. This camera was operating during the entire incident and recorded several hours of video in VHS format. The camera is also equipped with an audio portion and recorded the audio of the incident as well. He said he reviewed the film and although visually it is not very clear due to the low light intensity of the incident, the muzzle flashes from the officer's weapon at the time of the shooting can be clearly seen. The officer's conversations can also be heard on the tape. Salva said he was concerned about having the tape and ultimately sent the only copy to Todd Argow's son, who lives out of state in Idaho. He is unaware of what may have happened to the tape since he mailed it. Salva provided me a telephone number to contact John Argow.

Michael Salva said that Todd had hired two "side workers" to do some of the remodeling projects such as tile setting and carpenter work around the house. Salva said he did not believe they had businesses, but were doing side jobs and most likely worked for a company elsewhere. Although he had seen the workers on several occasions, he did not know their names and did not know how to contact them. He said the only person that would know would be Lea. These two individuals had been working at the residence during the afternoon hours on the day of the shooting.

Michael Salva said he was suspicious of one of these side workers and what exactly his true relationship with Lea might have been. Salva said he caught this individual going through some of Todd's belongings the day following the shooting. Although Lea was there at the time, it was an uncomfortable encounter and appeared as though they were attempting to hide something. During this encounter, it was mentioned that Todd had been drinking the afternoon of the shooting.

G. H. Warnberg Investigator Baker Street Group

# **Report of Interview**

Person Interviewed: Keith Argow

Date of Interview: January 5, 2006

Recorded: No

Interview Topic: Shooting death of Todd Argow on November 14, 2005

Keith Argow was advised of the identity of the interviewing investigator and the purpose of the interview. The interview was conducted via telephone on January 5, 2006. Keith Argow is Todd Argow's older brother. Keith Argow lives in the Northern Virginia and Washington DC area. Keith Argow initiated this telephone interview after being told of my telephone interview with Jeanette Ellen Smith. This interview was conducted via telephone and was not tape recorded.

Keith Argow told me that although he did not have a particularly close relationship with his younger brother, they were "good friends." Keith Argow explained their parents had divorced and he and his brother were raised separately. Keith was raised by his father and Todd by his mother.

Keith said that the last time he and his brother spent time together was approximately two years ago when Todd traveled to the East Coast to attend a family wedding. Although they had not seen one another, they spoke often on the telephone and tried to stay in touch. They last talked on the telephone approximately 45 days prior to the shooting. Keith Argow said his brother was in good spirits during that telephone conversation. They talked about the remodeling project undertaken by Todd at his mother's home and that Todd was proud of the work he was accomplishing.

Keith Argow said that although he previously had some suspicion that Todd had a drinking problem, he only learned of his alcoholism the previous year. Keith Argow said Todd sought treatment and joined AA (Alcoholic's Anonymous) in 2004.

Keith Argow said that he placed a telephone call to the Riverside Police Department following the incident and talked with Sgt. Phillips. Phillips told him that the police were investigating the incident using the theory of "suicide by cop." Keith Argow told me Todd had never discussed directly the possibility of committing suicide and had not transmitted feelings of depression prior to the incident. He said he also was not aware of any other family members that had committed suicide. Keith Argow recalled an incident approximately four years ago when he was discussing a personal weight issue with Todd. Todd was overweight and Keith Argow told him he should get it under control or he may not enjoy his later years. Todd said at that time, that he did not

expect to live into his later years. The subject was not elaborated upon and this was the only discussion of such issues that Keith Argow recalls.

Keith Argow told me that he never discussed guns or weapons of any sort with his brother. He was unaware that Todd Argow owned any guns or that he may or may not have been familiar with guns of any kind.

Keith Argow told me that he learned of the incident following a telephone call from the hospital a day and a half afterward. The hospital staff administrator advised him of Todd's condition and that he was paralyzed from the neck down following the shooting. Keith Argow said that he approved the "do not resuscitate order" the hospital was seeking.

G. H. Warnberg Investigator Baker Street Group

# **Report of Interview**

Person Interviewed: Larry Jason Batchelor

Date of Interview: January 9, 2006

Recorded: No

Interview Topic: Shooting death of Todd Argow on November 14, 2005

Larry Jason Batchelor was advised of the identity of the interviewing investigator and the purpose of the interview. The interview was conducted via telephone on January 9, 2006. Larry Jason Batchelor is the brother of Larrina Salva. Batchelor was present at the residence with Larrina and Michael Salva, 5221 Old Mill Road, Riverside, CA on the evening of November 14, 2005. Batchelor witnessed some of the events of that evening. This interview was conducted via telephone and was not tape recorded.

Batchelor told me he was visiting his sister and brother in law Larrina and Michael Salva at the Salva residence located at 5221 Old Mill Road, Riverside, CA on the evening of November 14, 2005. Batchelor said he became aware of an incident involving the neighbor, Todd Argow, following a telephone call to his sister from a neighbor he identified as Bret Windust. Batchelor said that Argow had an argument with his girlfriend, Lea, and she had gone to the Windust residence to call the police.

Batchelor said he went outside the residence with other family members and observed Riverside Police officers in positions of cover in the front yard of the home. Batchelor said he remained outside during almost the entire time that the incident was occurring. He described his position as varying from time to time, but he primarily remained in the vicinity of the front porch of the residence slightly to the north of the driveway and by the garage door. From that position, he could clearly see the activities of the officers who were positioned in the front yard, but could not see across the street and onto the porch and front door of the Argow residence.

Batchelor said from his position he observed two officers in cover positions behind Michael Salva's pick up truck that was parked facing north in front of the residence on the street and directly across the street from Argow's home. From that position, the officers had the best view of the front door leading into Argow's home. There were at least three additional officers further south in the front yard using a large oak tree just north of the driveway for cover. Two officers were primarily in that position with one officer slightly north between the tree and the pickup truck. Batchelor said the lights outside the Salva home were turned off and the officers were well covered and difficult to see. The outside lights of the Argow residence we turned on.

Batchelor said his sister talked on the telephone with Todd Argow and attempted to relay the information to the officers; however, they were all told repeatedly to go inside the residence and remain out of sight. Batchelor said, for the most part, those orders were ignored.

Batchelor said he then heard one of the officers from the vicinity of the pick up truck shout a command across the street to "Put your weapon down, do it now." Almost immediately, the same officer fired several rounds that Batchelor estimated at seven. Batchelor said he later learned that Argow had come out of the front door of the house holding a shotgun. Batchelor said he could not see Argow during that time and did not know if the gun was pointed at any of the officers. However, Batchelor said if Argow did indeed have a gun, the time between the command to drop the weapon and then the shooting would have occurred before the gun hit the ground. Batchelor said he did not believe the time allowed to Argow to comply with the command was sufficient. He said that with the qualification that he could not see Argow's actions as he exited the house.

Batchelor said he would not be able to identify the officer who shot Argow. He could only say that he was sure the officer was Caucasian.

Batchelor said his identity was recorded by one of the officers at the scene, but he was never interviewed.

G. H. Warnberg Investigator Baker Street Group

# **Report of Interview**

Person Interviewed: Larrina Merie Salva

Date of Interview: January 9, 2006

Recorded: No

Interview Topic: Shooting death of Todd Argow on November 14, 2005

Larrina Salva contacted the reporting investigator by telephone on January 9, 2006 following my interview with her ex-husband on January 4, 2006. Larrina Salva was advised of the identity of the interviewing investigator and the purpose of the interview. The interview was not tape recorded. The purpose of the interview was to examine the events of November 14, 2005 and the shooting death of Todd Argow by police officers of the Riverside Police Department. This represents a summary report of that interview.

On the day of the incident, Larrina Salva was married to Michael Salva and lived in the residence directly across the street from Todd Argow, 5221 Old Mill Road, Riverside, CA. The home belongs to Michael Salva's parents, Don and Barbara Salva. Larrina and Michael Salva are now divorced and Larrina lives elsewhere in Riverside.

Larrina Salva arrived home on the afternoon of November 14, 2005 between 4:00 PM and 5:00 PM. She saw Todd Argow in the front yard of his residence watering the yard. They acknowledged each other by waiving and saying hello; however, did not talk extensively. Todd Argow appeared to be in a good mood and did not appear "stressed out." Todd Argow had been emotionally stressed out for over a month primarily because of money issues related to the remodeling and landscaping of his home.

Larrina Salva said that she and Todd Argow had developed a close and friendly relationship during the two years that he had lived as their neighbor. Todd Argow had been very kind to their young daughter and he was an easy person to talk with. Todd had discussed many of his financial problems with Larrina during the last month before the shooting. Todd had told her he had spent more money on the property than he could afford and he had been unable to find work. He was attempting to obtain a loan to carry him through the remodeling process, but he was quickly running out of money.

Larrina and Michael were watching a movie around 8:00 PM when she received a telephone call from their neighbor across the street, Bret Windust. Bret told Larrina not to go outside because the police were outside with guns pointed at Todd's house. She learned from Bret that Todd and his girlfriend, Lea, had a fight. Todd had pointed a gun at Lea and threatened her. Lea had called the police and they were now arriving.

Larrina Salva said that she and Michael went out the back door of their residence and along the south side yard toward the front of the house in order to observe "what was going on." As they began to come through the gate and onto the driveway, she observed three police officers in the front yard with their guns pointed toward Todd's house. She said two officers were in positions on either side of a large oak tree and one officer was behind Michael's truck that was parked on the street facing north directly in front of their home. A bald black officer with a rifle was in a position to the left of the oak tree. A woman officer with black curly hair had a pistol and was in a position to the right of the tree. A Mexican officer with short dark hair had a pistol and was in a kneeling position next to the curb and behind the truck parked on the street. It was the Mexican officer that had the perfect position to see the front porch at Todd's house. Each of the officers wore armor vest with regular uniform pants and no special marking.

Larrina Salva said that Michael called first using her cellular phone to call Todd's cellular phone. Michael talked to Todd about the situation. Todd had been asleep and the telephone call woke him up. After Michael told Todd that the police were surrounding his house, they hung up.

Larrina then attempted to call Todd at least five times. Each of her calls rolled over immediately to his voice mail and she was unable to make contact. Todd Argow did not have a house phone so his cellular phone was all that was available. At approximately 8:30 PM. he answered the phone and told Larrina that he had been talking with the police. She said he sounded very depressed and that the police had told him to come outside so they could shoot him. Larrina said she told Todd the police did not want to shoot him and that he should just come outside with his hands in the air and lay down on the ground so he would not get hurt. Todd said he had been fighting with Lea and that she wanted him dead. He said he was going to give her what she wanted. He said he was tired of everything and that he just wanted to die. He began walking around inside the house while talking on the telephone and saying that he was going to "find his shotgun and go outside and raise it at them and just let them shoot him."

After several minutes, Larrina gave the telephone to Michael and as they were walking from the back of the residence along the south side toward the front of the house, she heard Michael saying, "No Todd, don't do that." Larrina said she was telling her brother, Larry Batchelor, that Todd was going to come out of the house with an unloaded shotgun. She had climbed up several rungs of a ladder next to the fence and was looking over the top when she heard the police command Todd to, "Put the weapon down, do it now." Larrina said she began yelling at the officers that the gun was not loaded, but seconds later she watched as nine rounds were fired by the Mexican officer from behind the truck toward Todd's house. She said she counted every round.

Larrina said she was shocked by the events. Whatever had happened and the way Todd Argow was acting that day was totally out of character for him. Larrina said he had never been violent around her or her daughter and never talked about guns or suicide before this incident.

Larrina said from her position behind the fence, she did not see Todd Argow or how he was holding the gun as he walked onto the porch. She also could not recall any of the officer's conversations during or following the incident. She said the officers, on several occasions, yelled at her and others to stay back and go inside the house. She complained the officers would not listen to their attempts to tell them they had talked with Todd on the telephone.

G. H. Warnberg Investigator Baker Street Group

### **Report of Interview**

Person Interviewed: Jeanette Ellen Smith

Date of Interview: January 9, 2006

Recorded: No

Interview Topic: Shooting death of Todd Argow on November 14, 2005

Jeanette Smith was interviewed via telephone on January 9, 2006 regarding the shooting death of Todd Argow. Smith was advised of the identity of the interviewing investigator and the purpose of the interview. Jeanette Smith was a close friend of Todd Argow and talked with him on the telephone on the evening of November 14, 2005 prior to the arrival of the Riverside Police. This interview was conducted via telephone and was not tape recorded.

Jeanette Smith had known Todd Argow for nineteen years. They were a "couple" and had lived together for fourteen years. They never married and their separation was friendly. They remained close friends and talked on the telephone on a daily basis.

Smith told me she received a telephone call at her residence on the evening of November 14, 2005 around 6:30 PM from Todd Argow. Smith said that Argow sounded as though he was under the influence of alcohol. He was slurring his words and was not being very rational in his conversation. Smith said the conversation lasted approximately five minutes.

Smith said that Argow told her he had been in an argument with his girlfriend. Argow said he was feeling suicidal and Lea (Bowsher) had left the residence to call the police. Argow told Smith he had a gun and was pointing it at himself.

Smith said that Argow had only begun talking about suicide about thirty days before his death. Smith said Argow was feeling that life was "closing in on him." Smith believed those feelings began to take sharp focus after his driver's license was suspended because of epilepsy. Those feelings were exasperated with his inability to regain meaningful government work. Smith said she also believed that his relationship with Lea Bowsher was destructive in nature because they fought so much. Smith said she counseled Argow about leaving his relationship with Bowsher. Smith said she was aware that Bowsher would often say things that "put him down." Smith said she felt that was destructive and harmful to Argow.

Smith said she did not believe that Argow was an alcoholic and he was not associated with AA (Alcoholic's Anonymous). Smith said that Argow would drink alcohol and that his "drink of choice" was Vodka and orange juice. Smith said she had

seen him on numerous occasions after having consumed alcohol in various amounts and he would normally get sleepy and go to sleep. Smith said she had never seen him drink to the point that he would pass out. Smith said that Argow was normally "mellow" and never "aggressive" when drinking.

Smith said she was aware of and had seen two guns that Argow owned. She described one as a "handgun" of unknown caliber and the other as a "shotgun" of unknown gauge. Smith said she had also seen ammunition for both guns. Smith believed that Argow had a "box" of shells for each gun, but that the shotgun, to her knowledge, was always unloaded. Smith said that Argow was neither a "shooter" for practice nor a "hunter" for sport.

Smith said, after talking with Argow for approximately five minutes that evening, she told him to "put the gun away" and "go to bed." She did not feel a real urgency for the moment.

G. H. Warnberg Investigator Baker Street Group

### **Report of Interview**

Person Interviewed: John Argow

Date of Interview: January 9, 2006

Recorded: No

Interview Topic: Shooting death of Todd Argow on November 14, 2005

John Argow was advised of the identity of the interviewing investigator and the purpose of the interview. The interview was conducted via telephone on January 9, 2006. John Argow is the son of Todd Argow and currently lives in the state of Idaho. This interview was conducted via telephone and was not tape recorded.

John Argow told me for several years he had been estranged from a relationship with his father, Todd Argow. He said this estrangement was mostly of his making and that he had fallen on some unlucky and hard times. Argow said he had been homeless for period of time; however, in the later months of 2004, he made an attempt to reconnect with his father and it had been successful. He said they talked on the telephone frequently. Argow estimated they would talk almost on a weekly basis. He said their relationship was very good and that his father was even planning on relocating to Idaho in order to be closer.

Argow said he last talked to his father about a week before the shooting. Argow said that although his father had no immediate job offerings in Idaho, he was a very "resourceful" person and had enjoyed some success in his life. Argow said his father was very upbeat and positive about his planned move to Idaho and gave no indication that he was depressed or melancholy.

Argow said he was surprised to hear of the incident and had difficulty reconciling in his mind what had occurred. Argow said he was unaware that his father owned any weapons. He said he would never describe him as a "gun person." Argow described his father as a very loving, caring, and gentle person.

Argow said he learned of the incident four or five days after the shooting. He said he received a telephone call from his father's girlfriend, Lea Bowsher. Argow said in that conversation, he learned essentially the events of the day from Bowsher's point of view. Bowsher told Argow that his father had been shot by the police following a day that had included a number of incidents that had depressed him. Bowsher told Argow about the theft of a pressure washer from the house, a traffic accident involving his car, and the frustration resulting from his drinking. Bowsher told Argow that his father had pointed a gun at her and she had to call the police.

Argow told me he later discussed the incident with Michael Salva. Salva sent him a video tape of the incident as recorded from a "video camera" at the Salva residence. Argow said the resolution of the tape was poor and he turned the tape over to the Riverside Police Department at the request of Detective Greenstein.

Argow said that he was aware of his father's relationship with Lea Bowsher and believed it was a good relationship based upon his conversations with his dad. However, he later learned from personal contact with Bowsher and conversations with neighbors, that Bowsher was somewhat of a different person than he had been led to believe. Argow described Bowsher as "manipulative, deviant and uncooperative." Argow said he learned that Bowsher had lied to the police, telling the authorities that his father had no children. Argow said when he came to Riverside to close his father's affairs, Bowsher refused to leave the residence and called the police on him. Argow said that, reflecting on Bowsher's behavior, it all came from her desire to control and keep his father's estate. Argow said he has been forced to retain an attorney and pursue the estate issues in court.

G. H. Warnberg Investigator Baker Street Group

### **Report of Interview**

Person Interviewed: Bret and Fiona Windust

Date of Interview: January 14, 2006

Recorded: Yes

Interview Topic: Shooting death of Todd Argow on November 14, 2005

Bret and Fiona Windust were advised of the identity of the interviewing investigator and the purpose of the interview. The interview was conducted in the residence of Mr. and Mrs. Windust 5226 Old Mill Road, Riverside, CA 92501. The interview was tape recorded with the Windust's permission. This represents a summary report of that interview. The tape recording has been preserved and will be maintained by Baker Street Group prior to the submission to the Commission as evidence in this investigation.

Mr. and Mrs. Windust were present together during this interview and their account of the event was essentially the same. The topic of the interview was the shooting death of Todd Argow by officers of the Riverside Police Department on Monday, November 14, 2005.

Bret and Fiona Windust live in the residence one door north of the Argow residence at 5222 Old Mill Road. They describe their relationship with Todd Argow as one of neighbors, but not social friends. They have known Todd Argow as a neighbor for approximately two years. Bret Windust said he had been in Todd's home on several occasions to help him move furniture during their remodel and things of that nature, but had never spent very much time there. He said he was unaware that Todd had any weapons. He had never seen guns or ammunition in the house. He said he had never seen Todd drink alcohol and had never seen him drunk. He said Todd's demeanor was always "low-key" and he had never seen him angry. The Windust's both described Todd as a big "teddy bear." He said their conversations were always about home remodeling and yard work. They never discussed guns or shooting. The Windust's said they also know Lea Bowsher as a neighbor and the person who lived with Todd Argow.

Mr. and Mrs. Windust were both at home on the evening on November 14, 2005. Bret Windust had just arrived home from work and was settling in to watch a football game. He had consumed one beer. Fiona Windust was preparing dinner in their kitchen.

Lea Bowsher rang the door bell sometime between 6:30 and 7:00 PM. She initially asked if she could use the telephone and then explained that Todd had been

drinking, had a gun and wanted to commit suicide. She may have also said that Todd threatened her with the gun. At some point, she asked Bret Windust what she should do.

Lea Bowsher appeared nervous and concerned, although her conversation was laced with laughter, giggles, and jokes, which seemed to mitigate the gravity of the circumstance in the minds of Bret and Fiona Windust. Some of the comments made included Lea saying, "You know we play these games with each other." Lea also said that she knows how to "push his buttons" to get him really "wired."

Bret Windust said he returned to watching the football game, assuming that Todd was drunk and the police would arrive and settle him down. He told Lea to call the police and let them handle it. Bret said he was not going to volunteer to go and talk with Todd. Fiona Windust said she returned to preparing their meal while Lea used their telephone to talk to the police. The telephone was located in the kitchen.

Although neither Bret nor Fiona Windust paid full attention to Lea's conversation with the police department, they recall her telling the police that Todd had a gun, perhaps a handgun, and wanted to commit suicide. Lea also told the police about a knife and that Todd had a can of gasoline and wanted to burn something. Lea explained the circumstances of the day and told the police that on that morning, they discovered someone had stolen a power washer from their yard and Todd was angry about that. Lea also told the officer that an accident had occurred that morning and their new car had been totaled on their way to a doctor appointment. After returning from the accident, Todd started drinking and was now drunk and threatening with a gun.

Bret Windust said he called Mike Salva, who lives across the street from Todd, and told Mike that the police were on their way because Todd was drunk and threatening suicide. Bret Windust said he knew that Mike Salva was good friends with Todd and felt he should be aware of what was happening.

About an hour following the telephone call from Lea to the police department, Lea received a telephone call back from the police. The police asked her to come outside. Bret Windust walked Lea outside toward the street. Officers on the telephone asked Lea to have him walk over and see if Todd was outside his residence. Bret said he walked over to the edge of his yard and reported back that he could not see Todd. He said he reported seeing a gas can on the back of one of Todd's vehicles parked in the driveway. Bret Windust said he performed this activity for the police on two occasions. The only police officer he was able to see was a single officer standing in the street to the south of the residence toward the end of the block. He saw a police car on the north end of the street and he observed Mike Salva's truck parked in the street next to the curb in front of his residence and directly across the street from Todd's house.

Bret Windust said he was later outside with his son when they received a telephone call from police dispatch. The dispatcher told him that the "SWAT" officers wanted them to go back inside the residence so they would not be in a cross fire

situation. His son later told him that he had observed several officers in the trees standing in Mike Salva's yard.

The police department again called and requested if they could enter the Windust's back yard in order to observe the rear of Todd's residence. Although no police officers were seen entering the yard, they were heard going through the side gate with a police dog. From their position at the back of the yard, the police were able to see into the back yard of Todd's residence across a swimming pool and onto the patio. Officers remained there until after the shooting. Following the shooting, Bret Windust observed two officers leave the back yard area with a police dog.

Bret and Fiona Windust were inside their residence sitting in the living room area with the doors and windows of the residence closed when they heard a voice command from one of the officers ordering someone to "drop the gun." Bret said the voice did not come from the back yard, but he could not be certain where the officer was in relation to his house. Bret said he heard the command at least twice and then approximately seven to nine "pops." He said the "pops" were somewhat muffled and did not seem like gun shots. Fiona Windust said there were two very rapid shots immediately following the command to drop the gun. There was a pause and then, an instant later, six or seven additional shots in very rapid succession. Bret Windust said, in his opinion, there was probably sufficient time between the officer's command and the shots to have allowed someone to respond and put down a gun. However, he said he did not see where Todd was standing or how he was holding the gun.

After hearing the shots, Bret and Fiona Windust said they moved toward the front door of the residence and heard one of the officers say, "He went back in the house." They were assuming the officer was talking about Todd. They recognized the sound of glass breaking and thought the officers had rushed the house. No other conversations between the officers could be recalled.

When the ambulance arrived and they were placing Todd inside the unit, Bret Windust said he asked one of the officers if Todd was alright, but the officer said he was unable to say. He could not recall how many officers were present at that time. Bret said it was many hours later, after the officers had gone, that he went into the street in front of Todd's home and looked at the front of the house.

Bret Windust said the following day he talked to Mike Salva and learned that Mike had a video tape of the entire incident. He said he believes the tape is in the custody of the police department.

Approximately three or four weeks following the incident, a Riverside police detective came to their home and interviewed Bret and Fiona Windust. They believed the officer's name was Jay Greenstein.

G. H. Warnberg Investigator Baker Street Group

### **Report of Interview**

Person Interviewed: David Baker

Date of Interview: April 5, 2006

Recorded: Yes

Interview Topic: Shooting death of Todd Argow on November 14, 2005

David Baker was advised of the identity of the interviewing investigator and the purpose of the interview. The interview was conducted in Mr. Baker's home at 5260 Old Mill Road, Riverside, CA 92501. David Baker was home on the evening of November 14, 2005 and walked with a neighbor to the area of Mona Bell Court and Old Mill Road just prior to the shooting death of Todd Argow by Riverside Police. This interview was tape recorded.

On November 11, 2005 during the evening hours, David Baker was home alone when his neighbor Joe Scandura came to his front door telling him about the police incident involving one the neighbors. Scandura told Baker, "Some guy down the street is trying to take himself out." Baker and Scandura walked from Baker's home to the intersection of Mona Bell Court and Old Mill Road. Baker said he observed "cops" all over the street.

Baker said the police had established a "command post" on the cul-de-sac at Mona Bell Court and Old Mill Road. There were at least three, and perhaps four, Riverside Police cars parked with several officers standing on the street. Baker said he believed the officers were "SWAT" officers, wearing black jump suits and helmets. Baker said the officers had a "white board" set up on the street and he observed Todd Argow's girlfriend sitting in the back seat of one of the police cars.

Baker said that Scandura works for Firestone and his company services Riverside Police cars. Consequently, Scandura knows a lot of police officers and happened to know one of the officers at the command post. Scandura asked that officer what was going on and the officer responded that he could not tell them.

Baker said that he and Scandura remained in the area for a short time and observed a K-9 unit arrive at the command post. The officer and his dog left the command post and walked approximately three or four houses south of the intersection toward Todd Argow's residence. Baker said that it was extremely dark and he could not see where exactly the officer went, but about the time he would have arrived at the residence directly across the street from Argow's, he heard someone shout, "Put the gun down." Baker said he then saw several "muzzle flashes" and heard several gun shots from the house across the street from Argow's. Baker said, based upon his

military training, he thought the gun fire may have come from a M-16, but could not be certain.

Baker said he and Scandura remained in the area for a short period of time. The paramedics and fire department quickly arrived on the scene and the incident appeared to be over. Baker said he did not overhear any of the conversations between the officers and had not been in a position to observe any of the actions of Todd Argow. The police had blocked off the street and no one was allowed to approach the residence.

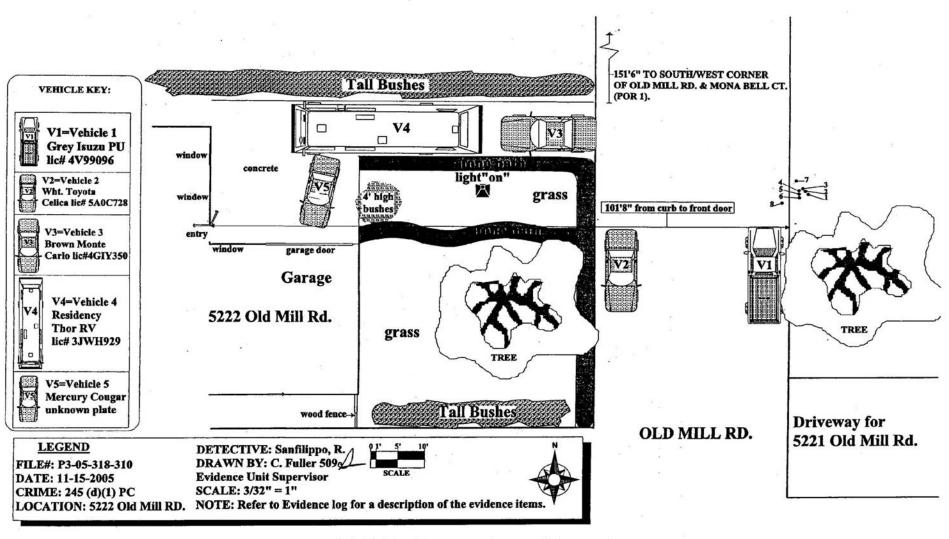
G. H. Warnberg Investigator Baker Street Group



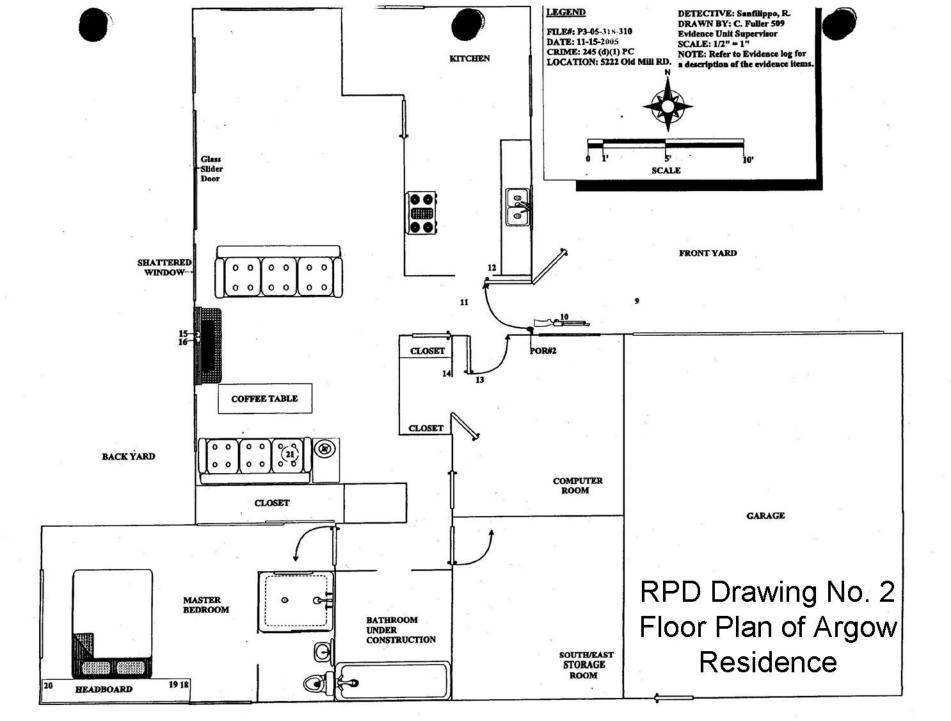
# TODD ARGOW OID CPRC No. 05-113 RPD Case No. P3-05-318-310

APPENDIX SECTION 2

**RPD Drawings** 



RPD Drawing No. 1
Area around Argow Residence, 5222 Old Mill Road



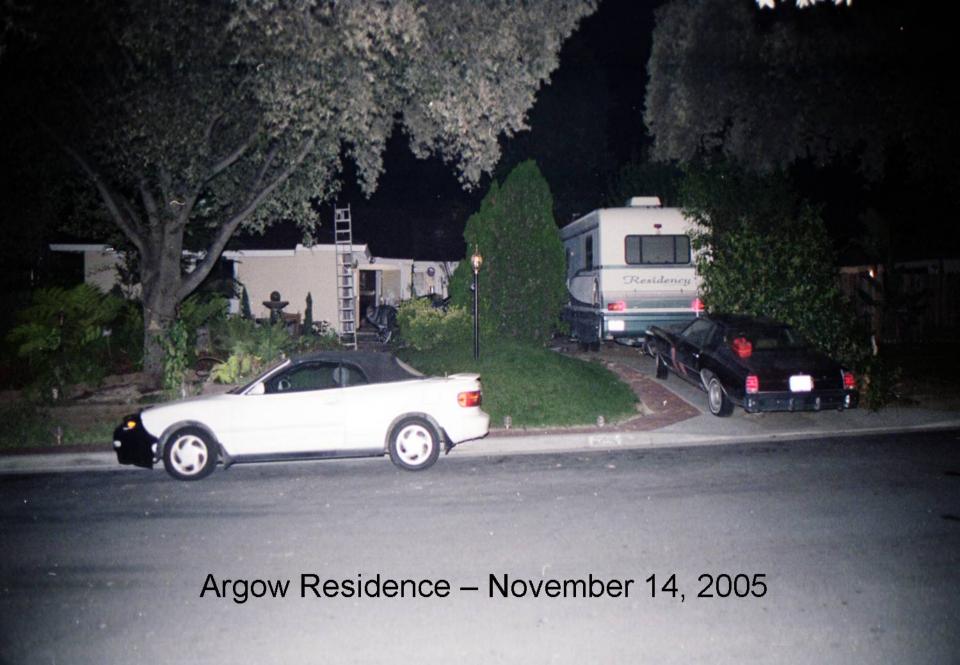


## TODD ARGOW OID CPRC No. 05-113 RPD Case No. P3-05-318-310

APPENDIX SECTION 3

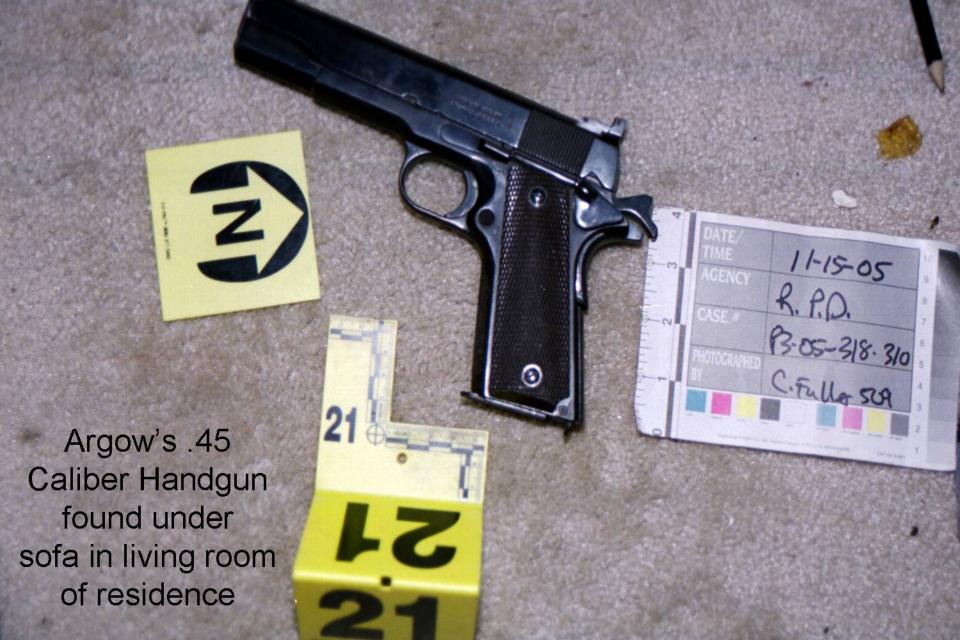
**RPD Photos** 

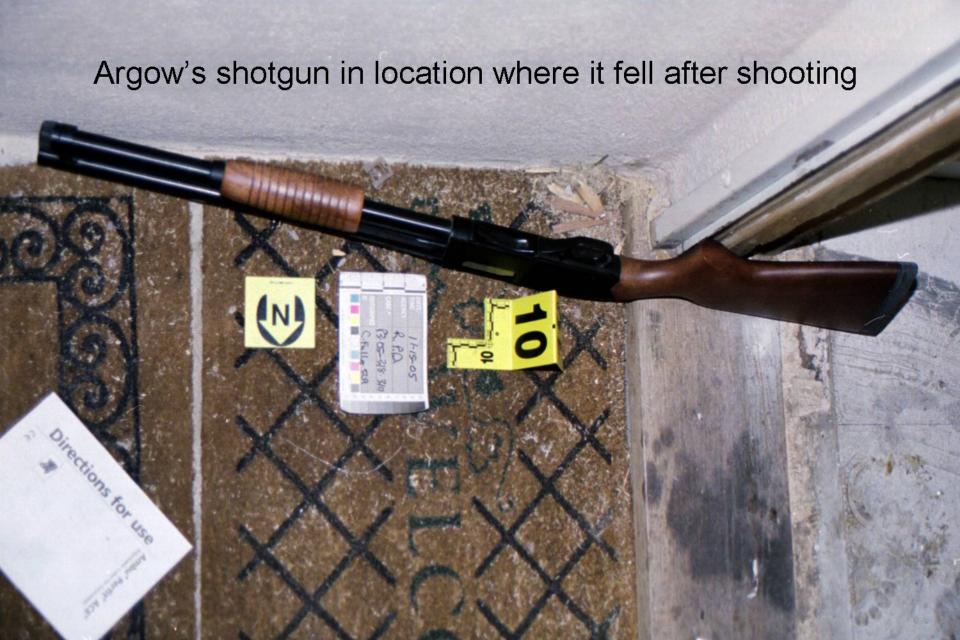














# TODD ARGOW OID CPRC No. 05-113 RPD Case No. P3-05-318-310

APPENDIX SECTION 4

Photos by
Butch Warnberg
Baker Street Group



5221 Old Mill Rd. Riverside, CA the Salva residence showing address, driveway, oak tree



#2

Salva residence looking north across the front yard



#3

From the Salva driveway looking across the street into the Argow driveway. The white car parked on street is in the position of Michael Salva's truck on the evening of the incident.



Looking north from the Salva front yard into the front yard of neighbor at 5225 Old Mill Road.



#5

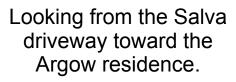
Looking from the Salva driveway onto the front porch of the Salva home, 5221 Old Mill Road.



#6

Looking from the area of the Salva front porch toward the oak tree and across the street at the Argow residence.







Looking from the Salva porch toward the fence and gate on the south side of their residence

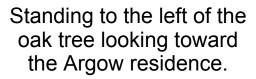


#9

Standing next to the Salva mail box looking toward the Argow residence.









Standing in the Salva yard on the north side looking toward the Argow residence

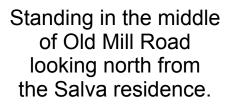


#12

Standing in the Salva yard on the north side looking into the neighbor's yard at 5225 Old Mill Road. Bloomquist residence.









Looking north toward 5230 Old Mill Road at the corner of Mona Bell Court. Stracke residence

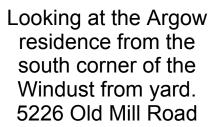


#15

Looking at the front of 5226 Old Mill Road. Windust residence.









Standing at the curb line looking at the front entrance of the Argow residence.

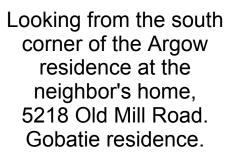


#18

Looking toward the garage of the Argow residence including the foliage.









Looking from the south corner of the Argow residence toward the garage through the foliage.



#21

Standing in the middle of Old Mill Road looking south toward Glen Brier Drive and Grand Avenue.





Street view of the residence at 5217 Old Mill Road.



#23

Street view of the south side of the Salva residence, 5221 Old Mill Road.



#24

Curb view of Argow residence toward garage through foliage.



From behind the tree in the Argow yard toward the garage.



#26

From the sidewalk toward the front door of the Argow residence.



#27

Argow residence front door and window.



Argow residence porch and front of residence.



#29

Fence on north side of Argow residence.



#30

North side yard of Argow residence.



Back yard patio of Argow residence.



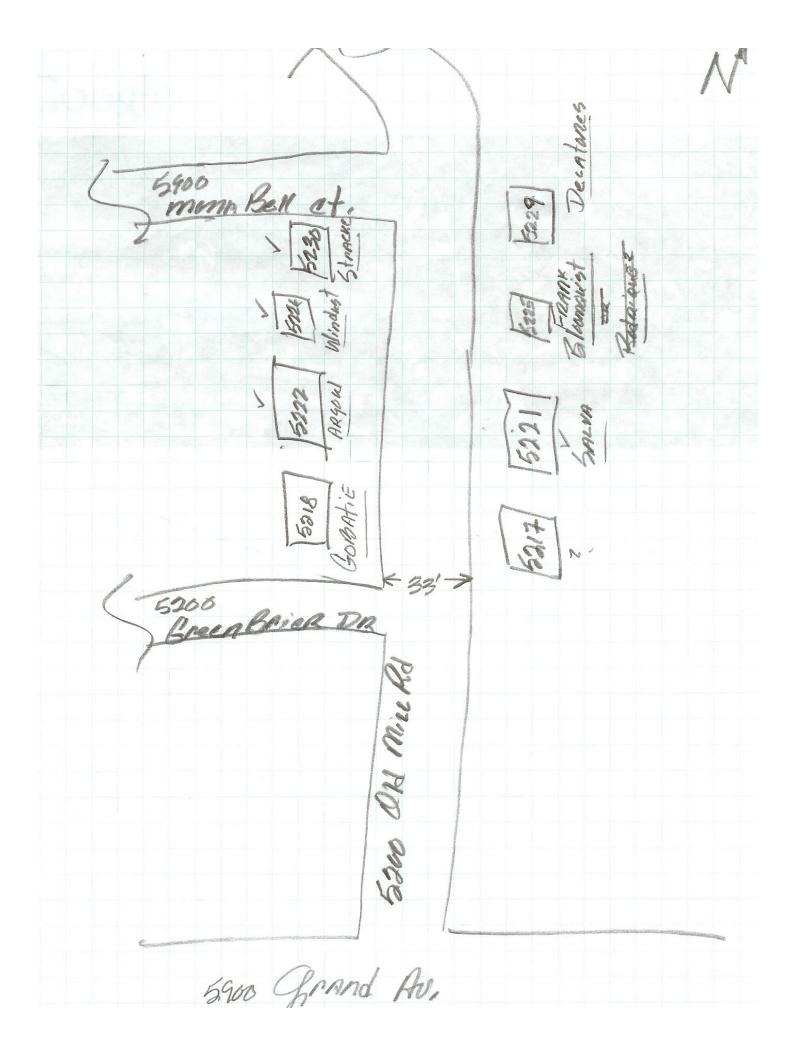
#32

Back yard patio of Argow residence.



#33

North side yard of Argow residence.



Riverside Community Police Review Commission Case: GI-05-2123

Case Name: Todd Argow Photo Log Date: 1/4/2006

### **Baker Street Group**

16476 Bernardo Center Dr. San Diego, CA 92128 858-673-5400

Date	Time	Photo #	Description
1/4/2006	12:58	1	5221 Old Mill Rd. Riverside, CA the Salva residence
			showing address, driveway, oak tree
	12:58	2	Salva residence looking north across the front yard
	13:04	3	From the Salva driveway looking across the street into the Argow driveway. The white car parked on street is in the position of Michael Salva's truck on the evening of the incident.
	13:04	4	Looking north from the Salva front yard into the front yard of neighbor at 5225 Old Mill Road.
	13:04	5	Looking from the Salva driveway onto the front porch of the Salva home, 5221 Old Mill Road.
	13:04	6	Looking from the area of the Salva front porch toward the oak tree and across the street at the Argow residence.
	13:05	7	Looking from the Salva driveway toward the Argow residence.
	13:05	8	Looking from the Salva porch toward the fence and gate on the south side of their residence
	13:05	9	Standing next to the Salva mail box looking toward the Argow residence.
	13:05	10	Standing to the left of the oak tree looking toward the Argow residence.
	13:06	11	Standing in the Salva yard on the north side looking toward the Argow residence
	13:06	12	Standing in the Salva yard on the north side looking into the neighbor's yard at 5225 Old Mill Road. Bloomquist residence.
	13:06	13	Standing in the middle of Old Mill Road looking north from the Salva residence.
	13:07	14	Looking north toward 5230 Old Mill Road at the corner of Mona Bell Court. Stracke residence
	13:07	15	Looking at the front of 5226 Old Mill Road. Windust residence.
	13:07	16	Looking at the Argow residence from the south corner of the Windust from yard. 5226 Old Mill Road
	13:07	17	Standing at the curb line looking at the front entrance of the Argow residence.
	13:08	18	Looking toward the garage of the Argow residence including the foliage.

Riverside Community Police Review Commission Case: GI-05-2123 Case Name: Todd Argow Photo Log Date: 1/4/2006

Date	Time	Photo #	Description
1/4/2006	13:08	19	Looking from the south corner of the Argow residence at the neighbor's home 5218 Old Mill Road. Gobatie
			residence.
	13:08	20	Looking from the south corner of the Argow residence toward the garage through the foliage.
	13:08	21	Standing in the middle of Old Mill Road looking south toward Glen brier Dr. and Grand Ave.
	13:08	22	Street view of the residence at 5217 Old Mill Road.
	13:09	23	Street view of the south side of the Salva residence 5221
			Old Mill Road
	13:09	24	Curb view of Argow residence toward garage through foliage
	13:09	25	From behind the tree in the Argow yard toward the garage
	14:31	26	From the sidewalk toward the front door of the Argow residence.
	14:32	27	Argow residence front door and window
	14:32	28	Argow residence porch and front of residence
	14:32	29	Fence on north side of Argow residence
	14:33	30	North side yard of Argow residence
	14:36	31	Back yard patio of Argow residence
	14:36	32	Back yard patio of Argow residence
	14:36	33	North side yard of Argow residence